

the Constitution of the State of Texas by adding thereto Article 11a, so as to allow incorporated cities and towns, by vote of the tax payers thereof, to exempt for a term of years from local taxation, certain species of property," have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

SMITH,  
Chairman.

#### ENGROSSING DEPARTMENT.

Committee Room,  
Austin, Texas, March 27, 1905.  
Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 244, being "An Act to provide for the disposition of the corporate property and for the levy, assessment and collection of taxes to pay existing indebtedness of incorporated cities and towns which have heretofore or may hereafter abolish their corporate existence, and to repeal all laws in conflict herewith," and find the same correctly engrossed.

BARRETT,  
Chairman.

#### FIFTY-SECOND DAY.

Senate Chamber,  
Thursday, March 30, 1905.  
Senate met pursuant to adjournment Lieutenant Governor George D. Neal in the chair.

Roll call, quorum present, the following Senators answering to their names:

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Stafford, the same was dispensed with.

#### PETITIONS AND MEMORIALS.

By Senator Stafford:

Gladewater, Tex., March 26 1905.

Hon. R. N. Stafford, Senate Chamber,  
Austin, Texas.

Dear Sir: We, the undersigned farmers and citizens of Upshur county, Texas, would most respectfully ask that you give your aid and support to the following bills or measures now pending in the Senate: The Bowser bill, taxing insurance companies 2 1-2 per cent of their gross receipts, the Love bill taxing the railroad companies 1 per cent of their gross earnings, the Kennedy bill and Williams intangible assets bill. We think it unjust for the farming and laboring class to bear the burden of taxation to meet deficiencies in the State treasury by an ad valorem rate of taxation and think it nothing but justice and right for the corporations of the State to bear their just part in the support of the State government. Very respectfully submitted,

J. M. Todd T. M. Spindle, P. C. McKey, Alex. McLain, Marion Mattox, Ahas Mattox, Wilburn Smith, John Smith, Henry Meyers, Lon Hughes, C. B. McKey, per T. M. S., Bent Holt, Eldridge Holt, Emmett Demoss, Eugene Demoss, John Edwards, George Edwards, Joseph Edwards, Homer Todd, Oliver Todd, Jack Gay, Harvey Ramey, W. H. Ramey, Monroe Smith.

By Senator Hill:

To the Honorable Senate and House of Representatives of the State of Texas Assembled at Austin.

Gentlemen: The Business Men's Club adopted the following resolution last night:

Resolved, That a committee composed of A. J. Baker and A. R. Burges be appointed to memorialize the Legislature and protest against the enactment of the intangible or Williams tax bill in its present form, and petition that body to cut out of its present form all that part of the bill referring to the tax on the various railroads traversing the country districts of the State, because we see in its effect a complete prostration of all prospective railroad building in this section of the State so long as the law proposed, if enacted, shall remain on the statute books of our State.

In obedience to the above, and moved by a very keen sense of self preservation, realizing the desperate extremity in which the people of this section of the State will be placed by the passage of what is known as the intangible tax or Williams bill, and knowing how extremely handicapped and discouraged the people of the great western part of the State will be if the bill in its present shape is passed, we most hum-

bly pray and petition your honorable body to permit us to enter our most solemn protest against its passage in so far as it affects the railroads now operating or to be operated in the State at large.

We had hoped that broadminded statesmanship, so characteristic of the present Legislature, would be a sufficient guarantee to us that the railroad property would not be included in the bill, but since its passage by the House we have become alarmed and begin to feel that many of our legislators have not fully considered the effect in all parts of the State.

To be more explicit, we call attention to the fact that by a large landed donation, amounting to perhaps 85 per cent of every alternate section of land in western and southwestern Texas, was donated to railway companies to induce them to build railroads in Texas, then so sparsely settled all over its area. This donation went to the construction of railroads in the central and eastern part of the State, except the Texas and Pacific and a portion of the Southern Pacific. Under its influence those parts of the State were populated so rapidly that other roads have been induced to go in there, leaving all that half of the state lying west of the cross timbers almost altogether without railroads up to this time. Now that our lands are coming in demand for settlement emigration is turning in our direction, a consummation so long looked for by us, several railroad companies are prospecting and exploring the great west, under which prospect we have begun to be encouraged to hope for a change for the better, to us who have so long been pioneers under such embarrassed circumstances. And just at this most auspicious outlook we are confronted with a legislative proposition which must necessarily prevent the construction of any more railroads so long as this law, if enacted in its present form, remains on the statute books. May we not therefore be permitted to say that it is unfair to us and destructive of all of our prospects and hopes? It is in this view that we humbly but urgently invoke the dispassionate consideration of our lawmakers, and we will have no fear. Will you gentlemen, who have all the railroad facilities that you may really need, obtained, too, as the matter now stands, at the expense of the west half of the State, throw a complete embargo against the improvement and development of our section? Is it wise to retard the growth, development and increased tax values of the whole State just for the purpose of getting what we regard as an un-

equal and unjust tax from railroads?

We believed that when the commission was organized we might not expect any more hostility towards railroads. There is no exclusive right given to any railroad to occupy for all time any particular section of our country, then where can there be justly any intangible asset in a railroad? Any railroad which does not belong to the same association can put its bed right by the side of that one already built. There being then no exclusive privilege, where is the intangible property of the railroad? Is its roadbed, rails, ties, depots and rolling stock, and does not this constitute tangible and substantial property, subject to ad valorem property tax just as a piece of land and house of any other citizen is taxed? If we are right in this conception of the term then why have it in the bill and thus attempt to extract an additional tax on the same property, and thus force the railroad people to pay a greater rate of taxation than the balance of the citizens of Texas?

If you tax the railway companies on the nominal value of bonds, which represent the cost of the roads at the time they were built, when steel was worth over one hundred dollars per ton, it would be probably triple or quadruple of the present value, and it would be equivalent to confiscation. Not only so, but it would in effect tax not only the tangible value of the road at present, but also the debt on the road. Would you tax a herd of cattle and also tax the mortgage debt also against owner and mortgagor? We submit that it would be outrageous to value property by taking into consideration the value of the property really owned and add to that the indebtedness of the road, nor can you in justice value the property by the measure of its liabilities.

The writer of this paper was a member of the platform committee, and voted for this plank of the platform in the sub-committee, and he was very careful to note that the plank never contemplated that the property of any person should be taxed other than by ad valorem tax, unless it was "the property of corporations which by reason of the nature and character of its assets or property under the present laws escape their just proportion of taxation." (Language of the platform.) While of course it could not in the nature of things be expected that the committee would name the various classes of corporations sought to be reached, yet the leading idea of the committee was to reach the express companies and the like, which only exhibit a horse and delivery wagon

and a few pieces of office furniture subject to ad valorem tax, and yet enjoyed such a large business and revenue from their franchises. We invite the attention especially to the reading of the platform where it will not be difficult to discover that the committee never intended to make the railroads pay a double tax.

Now, we most respectfully submit to your honorable bodies that as this is not a platform demand in its present shape, and as no demand comes from the people to crush out the building of any more railroads, may we feel safe that the patriotism and statesmanship of the legislative body will not paralyze our reviving hopes and deprive us for years to come of any more railroad facilities in the great western part of the state.

We trust you will bear with us while we refer to a letter received only a few days ago from one of the most popular railway managers in the Union, and especially in Texas, who has spent most of his railroad life in Texas, and who is now actively engaged in building roads in different parts of the state, and who has great love for the people of Texas and confidence in their intentions and purposes, in response to a letter from a committee of this club to visit us in view of a proposition to extend two of his lines to this city, says that "while he feels confident the Legislature will not pass the bill in its present shape, that he could not invite capitalists to put money in any further railroad enterprises while this legislation is pending."

Another from the president of another line pointing in our direction, who speaks most favorably of the prospects for extension of his line to us, and says that at some future time the company might consider favorably our proposition, but he says: "You know that a strenuous fight is now going on in the Legislature against railroads, and, with such legislation pending, I think you will agree with me that it is not a propitious time to ask the public to invest in railway securities in Texas." He goes further and says "that if there was less legislation Texas would have many more miles of railroad."

We beg you now to put yourselves in the shoes of the people of this western part of the State. Consider that we have on the extreme western or Rio Grande border a railroad; through the center, running east and west, another; and to the northwest, on the northern border, another; and yet not a single road west of Fort Worth which runs north and south to enable us to get

our products to market, and now when we are striving to get these northern outlets with our own efforts and money, we are throttled with the prospect of the most drastic and obstructive legislation, choking any desire which we might incite in any company to come to our relief. Nay, more, when that very relief enhances the tax values of so large a scope of the country as the half of Texas, are we not justified in venturing upon this memorial and protest? We appeal to you to cut out railroads from the bill and give us a living chance and a free race for life in West Texas, with the rich development of the middle and eastern part of the State.

Ever praying, we submit the above to your honorable bodies.

Respectfully Submitted,

A. J. BAKER,

A. R. BURGESS,

Committee.

By Senator Hawkins:

To the Legislature of the State of Texas:

We, the undersigned citizens and voters of the county of Nolan, State of Texas, hereby respectfully petition your honorable body to adopt and submit to the voters of Texas for their approval the following amendment to the Constitution of Texas:

That Section 3 of Article VII of the Constitution of the State of Texas be amended by adding the following: "And in each organized county there shall be levied and collected by the county an annual ad valorem tax sufficient to produce a sum equal to three dollars for every person in the county within the scholastic ages, for the benefit, support and maintenance of the public free schools of such county."

We urge the individual support of every member of the Legislature in this behalf, and earnestly petition the Hon. A. S. Hawkins, Senator, and A. C. Wilmeth, Representative from Nolan county, to use their influence and to vote for its adoption and submission.

Respectfully submitted.

J. C. Seale, J. J. Parker, F. W. Cue, J. R. Altizer, A. C. Park, L. T. Pate, L. B. Cope, W. H. Anderson, B. T. Worthy, W. B. Howard, W. L. Edmonds, J. W. Sanders, W. H. Brasher, J. M. Chappell, J. V. White, Alonzo Phillips.

Hon. A. S. Hawkins, State Senate, Austin, Texas:

Dear Sir: We are very much interested in the passage of a bill now pending in the Legislature entitled "A Bill to regulate the sale of stocks of goods in bulk." We believe the passage of this measure will be of vast benefit to all the business interests of the State, because:

First—It would protect the whole-

sale interests of Texas against unscrupulous dealers who buy on credit and fraudulently dispose of their stocks to confederates "between two days"; and

Second—It would protect the legitimate retail merchant against ruinous competition, against stocks of goods acquired in this way and put on the market at prices at which the legitimate retailer can not compete.

The passage of this bill would have no effect on legitimate sales of stocks of goods, and would reflect credit upon the commercial interests of the State.

We earnestly request that you look into this bill promptly, and beg to entertain the hope that you can see your way clear to support it actively, and not only vote for it, but give it the benefit of your influence.

We shall be very grateful, indeed, for your favorable consideration of this matter. Very respectfully,

Burns & Bell, J. Max Thomas, Douglas Burns, W. H. Moeser, J. H. Key, Brooks Bell, W. R. Warren, Adams, McRoe & Warren, Samuel Gustin, C. C. Jeffress, C. M. Adams, Bloom Bros., J. E. Hooper, J. O. Wulfin, J. F. McGill, C. H. Lasky, H. S. Beals, W. D. Gilbert, R. P. Fitzpatrick, J. W. Shepherd, L. J. Howell, S. T. Shropshire, C. T. Harness, J. P. Majors, C. W. Crawford, C. W. Simpson, A. R. Earnest, W. R. Smith, W. P. Anderson, R. O. Pearson.

By Senator Meachum:

Bath, Texas, March 23, 1905.

To Senator Meachum:

We, the farmers and citizens of Precinct No. 10 of Walker county, Texas, most respectfully petition you to support all of the House bills on taxation that are now pending before the Senate, and we protest against any increase in the ad valorem rate of taxation. Respectfully submitted,

Numerously signed.

By Senator Grinnan:

Velma, Tex., March 26, 1905.

Hon. Arch Grinnan, Austin, Texas.

Dear Sir: We the undersigned citizens of San Saba county, earnestly ask you to support the bills that have originated in the House, viz.: The Bowser bill, the Love bill and Kennedy bill, and protest against any increase in the ad valorem rate of taxation.

J. A. Richardson, F. E. Brazzleton, E. B. Cellum, J. K. Blount, J. F. Crouch, R. J. Edwards, D. W. McNott, E. E. Williams, T. B. Collins, B. H. Lewis, F. F. Coughran, W. D. Coughran and W. S. Graham.

By Senator Hawkins:

Big Springs, Tex., March 10, 1905.

Hon. S. A. Hawkins, Senate, Austin, Texas.

Dear Sir: We are very much interested in the passage of a bill now

pending in Legislature entitled "a bill to regulate the sale of stocks of goods in bulk." We believe the passage of this measure will be of vast benefit to all the business interests of the State because:

First—It would protect the wholesale interests of Texas against unscrupulous dealers who buy on credit, and frequently dispose of their stocks to confederates "between two days." And,

Second—It would protect the legitimate retail merchant against ruinous competition against stocks of goods acquired in this way and put on the market at prices at which the legitimate retailer can not compete. The passage of this bill would have no effect on legitimate sales of stocks of goods and would reflect credit upon the commercial interests of the State.

We earnestly request that you look into this bill promptly, and beg to entertain the hope that you can see your way clear to support it actively, and not only vote for it, but give it the benefit of your influence.

We shall be very grateful indeed for your favorable consideration of this matter. Very respectfully,

J. & W. Fisher, Hokes, Wolcott Co., R. P. Patty & Co., J. M. Mundy, J. I. McDowell, Western Windmill & Hardware Co., The West Texas National bank, W. R. Cole, J. O. Pratt, J. L. Ward, Mitchell & Park, C. L. Womack, Roscoe Lumber Co., J. C. Galbraith.

#### HOUSE BILL NO. 571 RECOMMENDED.

Senator Hanger called up House bill No. 571, for the purpose of recommitting same.

On motion of Senator Hanger, the bill was recommitted to Committee on Counties and County Boundaries.

Morning call concluded.

(See Appendix for committee reports.)

#### BILLS AND RESOLUTIONS.

By Senators Decker and Paulus:

Senate bill No. 313, a bill to be entitled "An Act to appropriate the sum of fifteen thousand (\$15,000) dollars, or so much thereof as may be necessary, for the purpose of enabling the Attorney General to make investigations of violations of the anti-trust law of this State and the abuse of charter powers of corporations doing business in this State and to procure evidence thereof and to enforce the laws of this State upon such subjects."

Read first time, and referred to Judiciary Committee No. 1.

## HOUSE BILL NO. 22—PASSAGE OF.

On motion of Senator Hanger, the pending order of business (Senate bill No. 187) was suspended, and the Senate took up, out of its order, House bill No. 22, by the following vote:

## Yeas—28.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Grinnan.	Skinner.
Hale.	Smith.
Hanger.	Stafford.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

## Nays—1.

Decker.

## Absent.

Griggs.

Stokes.

The Chair here laid before the Senate, on third reading,

House bill No. 22, a bill to be entitled "An Act for the taxation of the intangible assets of certain corporations, and to provide for the creation of a State Tax Board for the valuation of such intangible assets, and for the distribution of said values for local taxation, and for assessment of said assets, and for the levy and collection of taxes thereon."

Senator Faulk offered the following amendment:

Amend line 24, page 1, of the printed bill by adding after the word "company" the following: "Street railway company."

The amendment was lost by the following vote:

## Yeas—12.

Brachfield.	Harper.
Chambers.	Hawkins.
Decker.	Hill.
Faulk.	Looney.
Grinnan.	Skinner.
Harbison.	Smith.

## Nays—16.

Barrett.	Holland.
Beaty.	Martin.
Davidson.	McKamy.
Faust.	Meachum.
Griggs.	Stafford.
Hale.	Stone.
Hanger.	Terrell.
Hicks.	Willacy.

44—Senate.

## Absent.

Glasscock.	Stokes.
Paulus.	

Senator Harper offered the following amendment:

Amend by adding after the word "company," in line 24, page 1, the following: "gas company, water company, sewer company, electric light company and electric power company."

On motion of Senator Davidson, the amendment was tabled by the following vote:

## Yeas—20.

Beaty.	Hill.
Brachfield.	Holland.
Davidson.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Skinner.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Hicks.	Willacy.

## Nays—10.

Barrett.	Harper.
Chambers.	Hawkins.
Decker.	Looney.
Faulk.	Smith.
Harbison.	Terrell.

## Absent.

Paulus.

Senator Skinner offered the following amendment:

Amend by inserting after "telegraph company," in line 27, page 1, of the bill as amended, the following: "telephone company."

On motion of Senator Davidson, the amendment was tabled by the following vote:

## Yeas—15.

Beaty.	Hill.
Brachfield.	Holland.
Davidson.	Meachum.
Decker.	Paulus.
Faust.	Stafford.
Grinnan.	Stone.
Hale.	Willacy.
Hicks.	

## Nays—13.

Barrett.	Looney.
Chambers.	McKamy.
Faulk.	Skinner.
Harbison.	Smith.
Harper.	Stokes.
Hawkins.	Terrell.
Martin.	

## Present—Not Voting.

Hanger.



## Absent.

Glasscock. Griggs.

Senator Chambers offered the following amendment:

Amend the bill by adding after the word "company," in line 28, page 1, "sleeping car company, palace car company and dining car company."

Senator Meachum moved the previous question on the amendment and the bill, which motion was duly seconded, and was so ordered by the following vote:

## Yeas—29.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

## Nays—1.

Decker.

## Absent.

Stafford.

The amendment was lost by the following vote:

## Yeas—11.

Brachfield.	Looney.
Chambers.	Skinner.
Glasscock.	Smith.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	

## Nays—20.

Barrett.	Hawkins.
Beaty.	Hicks.
Davidson.	Holland.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Hale.	Paulus.
Hanger.	Stafford.
Harper.	Stokes.

The bill was then read third time and passed by the following vote:

## Yeas—21.

Barrett.	Faulk.
Brachfield.	Glasscock.
Chambers.	Griggs.
Davidson.	Grinnan.

Hanger.	Meachum.
Harbison.	Skinner.
Harper.	Smith.
Hawkins.	Stokes.
Looney.	Stone.
Martin.	Terrell.
McKamy.	

## Nays—10.

Beaty.	Hill.
Decker.	Holland.
Faust.	Paulus.
Hale.	Stafford.
Hicks.	Willacy.

Senator Hanger moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed by the following vote:

## Yeas—26.

Barrett.	Hill.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	Terrell.
Hicks.	Willacy.

## Nays—5.

Beaty.	Holland.
Decker.	Stafford.
Hale.	

## FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Twenty-ninth Legislature.  
Austin, Texas, March 30, 1905.  
Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 563, a bill to be entitled "An Act to provide for the incorporation of corporate bodies, with banking and discounting privileges, prescribing the liabilities of stockholders in same; providing for the regulation of such corporate bodies and the supervision thereof, by creating the office of Superintendent of Banking by attaching the same to the office of the Commissioner of Agriculture, Insurance, Statistics and History, and prohibiting foreign corporations with such

powers from doing business in this State, and to provide penalties for the violation of this act, and to repeal Chapter 165 of the Acts of the Twenty-fifth Legislature, entitled 'An Act to authorize corporations to engage in the business of becoming sureties on bonds, undertaking recognizances and other obligations required or permitted by law or the charter, ordinances, rules or regulations, or of any municipality, board, body, organization, court, judge, or other public officer, to be made, given, tendered or filed with surety or sureties, and guaranteeing the refraining from or performance by another of any act, duty or obligation, and to regulate such business, and to repeal Chapter 16, Title XXI, of the Revised Statutes of the State of Texas.'

With engrossed rider.

Senate bill No. 300, a bill to be entitled 'An Act to amend Chapter 3 of the General Law of the State of Texas passed at the first called session of the Twenty-seventh Legislature, approved September 2, 1901, amending Chapter 3, Section 1, or an act to amend Section 1 of an act entitled 'An Act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883; to amend an act entitled 'An Act to regulate the terms and fix the times for holding district courts in the First Judicial District of Texas, composed of Jasper, Newton, Orange, Jefferson and Tyler counties, so as to change the terms in Tyler and Jefferson counties,' approved April 10, 1889; to create the Fifty-eighth Judicial District of the State of Texas; to fix the times for holding court therein, and to provide for the appointment of a district judge and a district attorney for said Fifty-eighth Judicial District, and to validate all writs and other processes heretofore issued out of the district court of said First Judicial District, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency.'

House concurs in Senate amendments to House bill No. 442.

House concurrent resolution No. 22, relating to the collecting of delinquent taxes from owners of refrigerator, fruit and other private cars used in transportation of freight within this State.

Also resolution inviting the Senate to attend the address of Hon. Martin Littleton in the Hall of the House

Friday night at 8:30 p. m., March 31, 1905.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

# HOUSE BILL NO. 52 (LOVE TAX BILL.)

On motion of Senator Decker, the pending order of business (Senate bill No. 87) was suspended, and the Senate took up, out of its order, House bill No. 52, by the following vote:

Yeas—31.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

The Chair laid before the Senate, on second reading,

House bill No. 52, a bill to be entitled 'An Act imposing a tax upon railroad corporations, the receivers thereof, and other persons, firms and associations of persons owning, operating, managing or controlling any line of railroad in this State for the transportation of passengers, freight and baggage, or either, equal to one and one-half per cent of their gross receipts, and providing for the collection and payment thereof, and repealing the existing tax on gross passenger earnings of railroads.'

There being a majority committee report which recommended that the bill do pass and a minority report which recommended that the bill do pass with amendments.

Senator Glasscock moved that the majority report be adopted.

Senator Hicks moved, as a substitute, that the minority report be adopted.

(President Pro Tem. Hanger in the chair.)

Pending discussion of the motions, Senator Faulk was called to the chair.

Question being on the substitute motion to adopt the minority report, the same was lost by the following vote:

## Yeas—12.

Beaty.	Hill.
Decker.	Holland.
Faust.	Martin.
Griggs.	Stafford.
Hale.	Stone.
Hicks.	Willacy.

## Nays—19.

Barrett.	Hawkins.
Brachfield.	Looney.
Chambers.	McKamy.
Davidson.	Meachum.
Faulk.	Paulus.
Glasscock.	Skinner.
Grinnan.	Smith.
Hanger.	Stokes.
Harbison.	Terrell.
Harper.	

The majority report was then adopted by the following vote:

## Yeas—20.

Barrett.	Hawkins.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Faulk.	Meachum.
Glasscock.	Paulus.
Grinnan.	Skinner.
Hanger.	Smith.
Harbison.	Stokes.
Harper.	Terrell.

## Nays—11.

Beaty.	Hill.
Decker.	Holland.
Faust.	Stafford.
Griggs.	Stone.
Hale.	Willacy.
Hicks.	

Senator Hicks offered the following amendment:

Amend by striking out "one per cent" in the engrossed rider and insert in lieu thereof "three-fourths of one per cent."

Senator Meachum offered the following substitute for the amendment:

Amend the bill by striking out of the caption and wherever it occurs in the bill the figures and words "1 per cent" and insert in lieu thereof the figures and words "1 and 1-2 per cent."

Pending discussion, Senator Meachum withdrew the substitute amendment.

(Lieutenant Governor Neal in the chair.)

## PRIVILEGED MOTION.

Senator Harper moved that the vote by which Senate bill No. 48 was recom-

mitted, on yesterday, be reconsidered and spread the motion on the Journal. The motion was adopted.

## PRIVILEGE MOTION.

Senator Griggs moved to reconsider the action of the Senate in the final passage of Senate bill No. 252, and that the House of Representatives be requested to return said bill to the Senate.

The motion was adopted.

## SENATE BILLS SIGNED.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign in the presence of the Senate, after their captions had been read.

Senate bill No. 211, a bill to be entitled "An Act to amend Chapter 2, Title XXI, of the Revised Statutes of the State of Texas, by adding thereto Article 650b, authorizing incorporation for two or more distinct purposes and separate franchise tax for each purpose, and with an emergency clause."

Senate bill No. 186, a bill to be entitled "An Act to amend the charter of the city of El Paso, entitled 'An Act to incorporate the City of El Paso and grant it a new charter, approved March 2, 1889, as amended by an act entitled 'An Act to amend Sections 7 and 137, 138, 139, 140, 141 and 142 of an Act entitled 'An Act to grant a new charter to the City of El Paso,' became effective April 26, 1889, and the acts amendatory thereof, relating to streets, alleys, sidewalks and other public improvements, and the levy and collection of a tax to pay therefor, and fixing the time of holding elections, passed at the regular session of the Twenty-sixth Legislature, and to provide a just and effective law for making necessary street improvements and paying the cost of the same, by adding to said city charter of the City of El Paso Section 148a, inclusive, and by repealing all laws and parts of laws in conflict with such added sections, and to declare an emergency."

Senate bill No. 253, a bill to be entitled "An Act to amend an act entitled 'An Act to incorporate the City of Waco, and declaring an emergency.'"

## HOUSE BILLS SIGNED BY CHAIR.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign in the presence of the Senate, after their captions had been read.



House bill No. 520, a bill to be entitled "An Act to provide a plan of working, making, repairing and improving public roads by contract in Camp and Upshur counties; to punish contractors for willful neglect in keeping roads in repair contracted for by them; to raise revenue for making and improving public roads therein; to provide for appointment of a supervisor of roads in each of said counties; to prescribe duties of such supervisor; to declare when this act shall take effect in each of said counties; to declare an emergency," etc.

House bill No. 578, a bill to be entitled "An Act to create a more efficient road system for Cooke county, Texas."

House bill No. 277, a bill to be entitled "An Act to reorganize the Twenty-third, Twenty-fourth, Twenty-fifth, Thirty-sixth and Forty-ninth Judicial Districts of the State of Texas, and to fix the time of holding court in said districts; to place the counties of Jackson and Karnes in the Twenty-fourth Judicial District, and the counties of Frio and Wilson in the Thirty-sixth Judicial District, and the counties of Dimmit and La Salle in the Forty-ninth Judicial District; to provide for the present district judge and district attorney of each of said districts acting as judge and attorney for their respective districts until the term of office for which each was elected may expire; to validate all writs and other process heretofore issued out of the district courts of said districts, and to repeal all laws and parts of laws in conflict herewith."

House bill No. 214, a bill to be entitled "An Act to prescribe the time of holding the terms of the district court in the various counties comprising the Thirty-eighth Judicial District of the State of Texas, and to repeal all laws in conflict herewith."

House bill No. 85, a bill to be entitled "An Act to amend Article 5087 of Chapter 2, Title CIV, of the Revised Civil Statutes of 1895."

House bill No. 397, a bill to be entitled "An Act to amend an act passed by the Twenty-eighth Legislature, to create the Sixty-second Judicial District of Texas, and giving the judge of the Sixty-second Judicial District power to empanel the grand jury whenever he thinks it necessary, and to have cognizance of civil and criminal cases, and to have power to summon and empanel juries in all cases in Delta county, and declaring an emergency."

Substitute House bill No. 63, a bill to be entitled "An Act to amend Chapter 17, Title XXVII, of the Revised

Civil Statutes of the State of Texas of 1895, relating to the hearing of causes by the Courts of Civil Appeals, by adding thereto Article 1024a."

House concurrent resolution No. 17, inviting Hon. Paul Morton, Secretary United States navy, to Texas on the occasion of the visit of the President.

#### BILLS READ AND REFERRED.

The Chair, Lieutenant Governor Neal, had read and referred, after its caption had been read, the following bill:

House bill No. 563, to Internal Improvements.

(See House message for caption.)

#### ADJOURNMENT.

Senator Looney moved that the Senate adjourn till tomorrow morning at 10 o'clock.

Senator Hicks moved that the Senate take a recess till 3 o'clock p. m.

Action being on the longest time first, the motion to adjourn till tomorrow morning at 10 o'clock was adopted by the following vote:

#### Yeas—23.

Barrett.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Glasscock.	Skinner.
Grinnan.	Smith.
Hale.	Stokes.
Hanger.	Terrell.
Harbison.	Willacy.
Hawkins.	

#### Nays—7.

Faust.	Paulus.
Griggs.	Stafford.
Harper.	Stone.
Hicks.	

#### Absent.

Beaty.

#### JUDICIARY NO. 1.

Committee Room,  
Austin, Texas, March 28, 1905.  
Hon. George D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 310, a bill to be entitled "An Act to amend Article 4730 of the Revised Civil Statutes of the State of Texas, declaring who shall be liable to road duty,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

HICKS, Chairman.

#### CITY AND TOWN CORPORATIONS.

Committee Room,  
Austin, Texas, March 28, 1905.  
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

House bill No. 589, a bill to be entitled "An Act to amend an act entitled an act to amend Sections 71, 94, 95 and 96 of an act entitled an act to incorporate the city of Austin, to grant it a new charter and to fix its boundaries, passed in the House of Representatives on the 28th day of March, 1901, in the Senate on the 4th day of April, 1901, and approved by the Governor on the 18th day of April, 1901, so as to provide a method for the election of a city treasurer for the city of Austin by the city council of said city, to define his duties, to fix his salary, to otherwise regulate the filling of said office and its administration, and to repeal all existing charter provisions of said city which conflict or are inconsistent with the provisions of this act, passed at the regular session of the Twenty-eighth Legislature, being Chapter 42 of the special laws of said Legislature, approved March 31, 1903, so as to increase the salary of the city physician from five hundred dollars to twelve hundred dollars."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

BEATY, Chairman.

Committee Room,  
Austin, Texas, March 28, 1905.  
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

House bill No. 611, a bill to be entitled "An Act to amend Section 93 of an act entitled 'An Act to grant a new charter to the city of El Paso, approved March 2, 1889, as amended by an act passed by the Twenty-third Legislature, which became effective April 2, 1893, and to amend Sections 137, 138, 140, 141 and 142, of an act entitled 'An Act to grant a new charter to the city of El Paso,' approved March 2, 1889, and the acts amendatory thereof,

relating to streets, alleys, sidewalks and other public improvements, and the levy and collection of a tax to pay therefor, which amended act became effective the 26th day of April, 1899, as enacted by the Twenty-sixth Legislature,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

BEATY, Chairman.

#### ENROLLING DEPARTMENT.

Committee Room,  
Austin, Texas, March 28, 1905.  
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 154, being "An Act to exempt the counties of Uvalde, Zavala, Runnels, Taylor, Brewster, Presidio, Pecos, Deaf Smith, Nolan, Kerr, Kimble, Edwards, Hutchinson, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Cochran, Hockley, Lubbock, Crosby, Dickens and King from the provisions and operation of Articles 5902 and 5942, both inclusive, of Chapter 6, Title CII, of the Revised Civil Statutes of 1895, as amended by the Acts of the Twenty-eighth Legislature, relating to the inspection of hides and animals and to repeal all laws in conflict herewith and to declare an emergency,"

And find the same correctly enrolled, and have this day at 3:30 o'clock p. m. presented the same to the Governor for his approval.

TERRELL, Chairman.

Committee Room,  
Austin, Texas, March 28, 1905.  
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 122, a bill to be entitled "An Act to amend Article 3582a, Title LXXVa, of the Revised Statutes, as amended April 3, 1897, in regard to the Board of Pardon Advisers.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 3428a, as described in the caption of this act, be amended so as to hereafter read as follows, viz.:

Article 3582a. The Governor is hereby authorized to appoint two qualified voters of the State of Texas, and who shall perform such duties as may be de-

rected by him consistent with the Constitution, as he may deem necessary, in disposing of all applications for pardon. The said two voters shall be known as the Board of Pardon Advisers, and shall be paid out of any money in the treasury not otherwise appropriated a salary of two thousand dollars each per annum on monthly vouchers approved by the Governor.

Sec. 2. Said board shall be required to keep a record in which will be entered every case sent it by the Governor, giving the docket number of the convict, his name, when and where convicted, his sentence, his offense, when received from the Governor, the action taken by the board and the date of said action.

Sec. 3. Said board shall be given a room in the Capitol, properly furnished with necessary furniture and file cases and provided with such stationery, letter books and other appliances which may be necessary for the speedy and proper transaction and dispatch of the business for which it is organized. In addition to the thorough examination of each application which the Governor may refer to said board, and the reporting thereon its recommendation to him, it shall perform any other work in connection with said business the Governor may direct, and said board shall spend such time each year as may be necessary in personally looking into the condition of such convicts as it desire, or as may be designated by either the Governor or the Superintendent of Penitentiaries or either of his assistants, or by the prison physician, or either of the penitentiary commissioners, giving special attention to the cases of those of long service, who may be thus designated, and who have no means or facilities for getting a proper petition before the Governor, to the end that the board may have before it such data as will enable it to judge the condition of each. All cases shall be taken up, considered and acted upon by said board in the regular order of reference by the Governor, except when it appears to the said board there is extraordinary emergency in any case.

Sec. 4. The Board of Pardon Advisers, as now constituted, shall be in all things governed by this law as though the same had been enacted before its appointment and organization.

Sec. 5. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 6. The importance of the legislation proposed in this bill and the want of specific legislation to control the action of said board, as now constituted, and the large number of applications for pardon now on file, re-

quiring investigation and consideration, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

And find the same correctly enrolled, and have this day presented the same to the Governor at 3:30 o'clock p. m. for his approval.

TERRELL, Chairman.

#### ENGROSSING DEPARTMENT.

Committee Room,  
Austin, Texas, March 28, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 271, being "An Act declaring who are public warehousemen of rice, and to regulate warehouses for the storage, milling or sale of rice, and to provide for the weighing, inspection, classification, handling and sale of rice therein; and to provide for the appointment and qualification of weighers and inspectors of rice; and for warehouse receipts therefor; and to provide for the fees to be charged for the weighing and inspection of rice; and to provide penalties for the violation thereof."

And find the same correctly engrossed.

BARRETT, Chairman.

#### FIFTY-THIRD DAY.

Senate Chamber,  
Austin, Texas,  
Friday, March 31, 1905.

Senate met pursuant to adjournment, Lieutenant Governor George D. Neal in the chair.

Roll call, quorum present, the following Senators answering to their names:

Barrett.	Hicks.
Beatty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	